IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3904 OF 2004

Rahul Shantaram Shelar ... Applicant

versus

State of Maharashtra ... Respondent

...

Mrs. Sulbha A. Dhamale, for the Applicant.

Mr. D.R. More, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

29th September 2004

P.C.:

. This application for anticipatory bail is filed because the Applicant apprehends his arrest in connection with Cr.No.I-82/2004 registered by Gangapur Police Station, Nasik, for offence under sections 307, 323, 504, 506 read with section 34 of the Indian Penal Code. It is the case of the Applicant that the complainant has named one Bablu Shelar as one of the assailants. The Applicant states that he has no connection with the alleged offence and, in fact, was not present

at the relevant time. The stand taken on behalf of the Applicant is supported by the affidavit of the victim, who had suffered the injury during the assault. He has categorically stated in para 5 of his affidavit dated 1st July 2004 that Rahul Shantaram Shelar, i.e., the Applicant herein, was not present on the site and he has not assaulted nor caused any injury or abused in any manner. If it is so, the Applicant deserves to be enlarged on anticipatory bail on the following conditions :

(a) The Applicant is enlarged on anticipatory bail in connection with CR.No. I-82/2004 registered with Gangapur Police Station, Nasik, on executing personal bond in the sum of Rs.10,000/- with one surety in the like amount.

(b) The Applicant shall comply with the conditions stated in Section 438(2) of the Code of Criminal Procedure, as applicable to the State of Maharashtra.

. This application is disposed of on the

above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)